

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MORETON BINN and MARISOL F, LLC,  
Derivatively on Behalf of Nominal Defendant,  
XPRESSPA GROUP, INC., f/k/a FORM  
HOLDINGS CORP.,

Plaintiffs,

v.

BRUCE T. BERNSTEIN, RICHARD K. ABBE,  
ANDREW R. HEYER, SALVATORE GIARDINA,  
ANDREW D. PERLMAN, BRIAN DALY,  
ROCKMORE INVESTMENT MASTER FUND,  
L.P., and B3D, LLC,

Defendants,

and

XPRESSPA GROUP, INC. f/k/a FORM HOLDINGS  
CORP.,

Nominal Defendant.

No. 1:19-cv-06122-GHW-SLC

**NOTICE OF MOTION**

**ORAL ARGUMENT  
REQUESTED**

PLEASE TAKE NOTICE that upon the annexed Declaration of Sandeep Savla, dated August 26, 2020, and the accompanying Memorandum of Law, the undersigned hereby move this Court on behalf of Defendants before the Honorable Sarah L. Cave in Courtroom 18A of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York, 10007, for an order amending or altering judgment under Fed. R. Civ. P. 59(e) in order to include specific findings as to the non-compliance by Plaintiffs and their attorneys with Fed. R. Civ. P. 11(b), pursuant to the Private Securities Litigation Reform Act, and to impose sanctions.

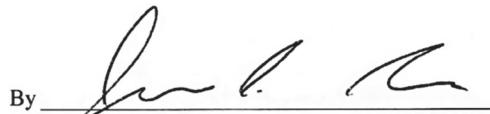
Dated: August 26, 2020  
New York, New York

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<sup>1</sup> E-signature used with attorney's consent.